

**CONSERVATION COMMISSION**  
**MINUTES OF THE MEETING**  
**WEDNESDAY, JULY 16, 2008 7:00 PM**  
**CATA CONFERENCE ROOM**  
**3 POND ROAD**  
**ROBERT GULLA, CHAIRMAN**

**MEMBERS PRESENT**

Robert Gulla, Chairman  
John Feener  
Arthur Socolow  
Brandon Frontiero  
Ann Jo Jackson, Vice  
Chair

**MEMBERS ABSENT**

William Febiger

**STAFF PRESENT**

Nancy Ryder, Conservation  
Agent  
Carol Gray, Recording Clerk

Mr. Robert Gulla, Chairman opens the meeting of the Gloucester Conservation Commission.

**CONTINUATIONS FOR SHORT REVIEWS, 1-5 MINUTES MAXIMUM, REVIEW OF AMENDED, UPDATED OR FINAL INFORMATION, STATUS REVIEWS, MINOR AMENDMENTS, SIGNING DECISIONS, CLOSURE OF HEARINGS, ETC.**

**2 JUNIPER ROAD**

Letter Permit – The Agent reviews with the GCC noting that there is an existing shed that is to be replaced in kind. It is on the edge of the bank. The original structure was not permitted at the time of construction. The Agent inquires with the GCC as to any conditions to be noted.

Ms. Jackson notes nothing hazardous to be stored, no chemicals and no fuels. Anything noted: warning/danger is not be permitted to be stored in the shed.

Mr. Gulla entertains a motion to approve the Letter Permit with conditions noted.

MOTION: Mr. Feener moves to approve.

SECOND: Ms. Jackson                      VOTE: 5-0 all in favor.

**39 WINGAERSHEEK ROAD** (Map 258, Lot 16)

Relating to an Enforcement Hearing – Failure to comply with issued OoC in Coastal Dune/Barrier Beach.

Mr. Frontiero reviews the Enforcement Order. The Agent notes the second to last paragraph of the document. All members of the GCC review the document. Signed by all members present with approval of the revocation.

MOTION: Ms. Jackson moves to approve the revocation of the OoC.

SECOND: Mr. Socolow                      VOTE: 5-0 all in favor.

**84 HIGH STREET** (Map 164, Lot 3)

This is a Notice of Intent submitted by Frank Curcio to replace an existing wooden walkway with stone adjacent to a quarry.

The Agent reviews with the GCC and notes filling in a chunk of the quarry.

No comments from DEP. The wetland is within 20 ft., below elevation.

Mr. Gulla notes a site visit and some of the deck overhangs in a few spots.

No connectivity re: the bank and no viable wetland in this area. Armoring in this case will not cause any detriment. The proposal makes reasonable sense with Mr. Feener in agreement. The armoring of the bank is minimal at best.

Mr. Gulla entertains a motion to approve the project.

Public Comment: none/closed.

**MOTION:** Mr. Socolow moves to approve due to the property's unique characteristics.

**SECOND:** Ms. Jackson

**VOTE:** 5-0 all in favor.

**PUBLIC COMMENT PERIOD:**

Mr. Greg Dawe, rep. Castleview Homeowners Assoc. notes completion and compliance.

He reviews stating that October 2007 submission of CoC.

He notes the Agent states this would be done during a growing season and in April told a 2<sup>nd</sup> growing season was needed. He states that the residents are upset about this.

The Agent notes that the project is through approx. 5 resource areas with the paved area repaired with additional storm water drainage to facilitate the roadway.

Leslie, from Con Com. could not verify the extensive and bushy vegetation as being invasive or otherwise, as she could not tell at that time. Almost a year has gone by to permit due to the complexities of the area.

The Agent further notes the sequence of events re: the CoC not being issued as of yet:

We cannot confirm hydrology until we get heavy spring storms. NOAA commented on this as well re: Cushing Street culverts operating and being correct.

Mr. Gulla inquired as to when we get a fall storm is it possible to inspect it then?

Ms. Ryder, Agent for the GCC states that it is possible if we get a storm then.

She states that federal agencies need to go out there for verification.

Mr. Gulla notes a previous site visit and states that this is a very sensitive area.

He wants to make sure it is done right and proper.

He apologized for the length of time it has taken for the approval of the CoC. He is concerned about the hydrology at the time of the site and now as well. He asks if there is some kind of unknown pressure to have this done at this time.

The Agent recommends waiting for a spring storm but further noted that they can try for a fall storm.

Mr. Bob Wayne noted his concern regarding the pavement and notes an 80,000 lb. truck. He further notes that it requires another consultation. He states that any reps. that have seen it have not been able to make an expert decision. A 3<sup>rd</sup>

party is needed for review but he cannot guarantee this happening before spring. If the road is damaged within a 2 yr. period and the wetland disturbed, then the roadway was not constructed to accommodate this at the onset.

Greg states that the road was designed to minimal load and we cannot control or qualify the conditions. We were told that it would be a 1yr. growing season and now its 2 yrs. and no expertise to make the determination.

Mr. Gulla states that the goal at this point would be to wait for the fall storm for the hydrology readings, or video tape and document the road in case it gets damaged, then in the fall we can view and review all of this.

The GCC needs time to review and can discuss it further at the next time that we meet on this issue.

Greg states that it is a good solution but inquires as to any listing of websites to view so they can go back to the Assoc. and give the members that information.

The Agent notes the Wetland Protection Act on DEP's website can guide them.

She notes that it was supposed to be just cars going to the beach and back again and now we're told that truck usage may occur. She is very concerned re: the wetland. State and Federal agencies need to get out there. She is more concerned now then she was before.

Mr. Dan Ottenheimer wished to speak with the Agent reminding the GCC that this is already a closed hearing and the public comment period now is for issues not related to matters on the agenda.

Mr. Gulla inquires as to this being a general issue with Dan noting that Greenbelt is not willing to accept mitigation payments. The Agent notes that Greenbelt states that they will not take payments in relation to a violation and if they can get documentation that would be otherwise then we would appreciate that, in writing. She further notes that if it is a positive outreach they will take payments but not regarding a violation.

**55 Eastern Point Boulevard** – re-issuance of OoC, due to original being lost.  
Signed by all members present.

**46 LEVERETT STREET** (Map 162, Lot 13)

The Commission requests the attendance of Christine Peterson to discuss violations that have occurred on site in resource area in violation of an issued OoC and the State Wetlands Protection Act. The hearing will include discussion and possibly a vote regarding restoration, remediation and any other action the GCC may require of the property owner including the issuance of administrative penalties.

The Agent reviews with the GCC and states that an additional request for continuance was noted. The interpreter was scheduled at a cost of \$400.00 but we were able to cancel and possibly honor the continuance.

The Agent notes her concern that the work is on going and in violation. She notes that Suzanne stated that they were under no obligation to hire the interpreter and the contractor is not the property owner. The contractor is deaf and that is the reason for the interpreter but the property owner is capable of

hearing and speaking on the matter. Mr. Gulla entertains a motion to continue the matter to 8/20/08 7:00 PM.

MOTION: Ms. Jackson moves to continue the matter to the above date and time but further notes that this is the last continuation that she will support.

SECOND: Mr. Frontiero                      VOTE: 5-0 all in favor

### **Minutes Review**

The minutes of the meeting from 6-4-08 were reviewed.

Mr. Gulla entertains a motion to approve.

MOTION: Mr. Feener moves to approve the above noted minutes.

SECOND: Ms. Jackson                      VOTE: 5-0 all in favor.

Minutes approved.

LP requests

### **NILES POND ASSOCIATION**

The Association would like to extend the roadway by 100 ft with the existing being repaved which is within the existing footprint.

The Agent states that she has fly over photographs and documentation.

The roadway to be added to the existing is away from the pond, where Meagan's Way connects to Niles.

Mr. Gulla entertains a motion to approve for repaving

MOTION: Ms. Jackson moves to approve

SECOND: Mr. Frontiero                      VOTE: 5-0 all in favor.

Niles Pond Association – The Agent states that panoramic photos were requested but were never submitted. She states that the lack of correspondence is a concern.

Mr. Gulla states that the GCC will request photos and a file with documentation.

Mr. Socolow states that they seem to want to trim down re: the view.

Mr. Feener states that tree cutting standards need to be followed. He has a copy of information re: the standards to be followed and will share this with the other members of the GCC.

Mr. Gulla states he will entertain a motion to deny the Letter Permit as requested photos, documentation and pruning information were not submitted.

MOTION: Ms. Jackson moves to deny.

SECOND: Mr. Frontiero                      VOTE: 5-0 all in favor   Letter Permit denied.

### **GLOUCESTER INNER HARBOR –**

The Agent notes – This is in regards to boring and soils testing re: the collecting of 5 gallons of sediment at 11 different locations.

Dave Sargent had no issues.

Mr. Frontiero requested a copy of the results to review when they come in.

Mr. Gulla entertains a motion to approve.

MOTION: Ms. Jackson moves to approve.

SECOND: Mr. Feener                      VOTE: 5-0 all in favor

### **602 WESTERN AVENUE**

NoI filed in RDA folder.

No further action taken at the meeting.

### **45 DENNISON STREET**

This is in regards to the re-shingling of a portion of a roof.

The Agent states she has no concerns.

Mr. Gulla inquired about a clarification in regards to this being roof shingles or siding shingles. The Agent states that they are roof shingles that are to be done.

Mr. Gulla entertains a motion to approve.

MOTION: Ms. Jackson moves to approve.

SECOND: Mr. Socolow

VOTE: 5-0 all in favor.

### **3 JOPPA WAY**

The Agent requests that we hold off on this one for the present.

### **WASHINGTON STREET** (between Goose Cove and Lobster Cove)

The Agent notes that this is in regards to resurfacing of the roadway.

She has no issues.

Mr. Gulla entertains a motion to approve.

MOTION: Ms. Jackson moves to approve.

SECOND: Mr. Feener

VOTE: 5-0 all favor

### **377 MAGNOLIA AVENUE** (Map 213, Lot 27)

This is a Request for Determination submitted by Elizabeth Jewell to maintain a newly paved parking area and driveway in riverfront resource area.

Elizabeth and Michael Jewell present before the GCC.

The Agent reviews stating the applicant was to come back before the GCC with a reduction in impervious.

Mr. Gulla recaps stating in re: the CoC, there was a paving issue. The driveway that was paved was not on the plan.

The GCC would like the applicant to seek solutions re: the impervious surface.

He notes not taking away any pavement but planting and the removal of the garage.

The GCC members review the photographs.

It was noted that the applicant is going to extend the existing hedges.

Mr. Gulla states that the applicant can attain a copy of the planting list from the Community Development office as they may want to pick directly from that.

Further noted was the removal of some concrete for planting.

Ms. Jackson stated that she would like to have on file the list of plantings to be on the property as well as photos after planting with Mr. Gulla in agreement.

Mr. Feener notes that the 2 yr. mortality rate should be documented as well.

The Agent notes that 3 years is standard in the decision.

Mr. Gulla states that he would like to see this accomplished within a year with the applicant in agreement.

PUBLIC COMMENT: none/closed.

Mr. Gulla states he will entertain a motion for negative determination (2A/5/-3 - 2+)

MOTION: Ms. Jackson moves for a neg. det.

SECOND: Mr. Feener

VOTE: 5-0

**73 ROCKY NECK AVENUE** (Map 128, Lot 42)

This is a Request for Determination submitted by Charles Boland to remove and re-construct walls, windows, a roof, and construct a new dormer and deck on a coastal bank.

Charles and Jeanne Boland present before the GCC.

Mr. Boland states that he would be removing the roof and 4 walls (Rudder Restaurant), with a dormer to be added. State, DEP and Zoning have approved. It would be an approximate 2 week teardown by hand in dumpsters on the street side.

He notes a boom and a row boat in the water re: cleaning needed which will be done every day. The dumpster which would be on the street side would then be moved to 53 Rocky Neck Ave.

The Agent states she has no concerns. A site visit was done with Jim, Dave and the Agent. There is written approval from the Harbor Master and Shellfish.

Ms. Jackson states that this is major, but all aspects of the project have been covered.

Mr. Gulla notes that the contractor on site needs to know that they cannot spread out and need to stay inside the designated area.

Ms. Jackson suggests a caution ribbon be placed at the work site re: a do not enter area.

Mr. Socolow inquired as to what the deck was built on and Mr. Boland stated it was entirely on pilings. The proposed new deck is for the 2<sup>nd</sup> floor residence.

This has not been approved by DEP (water way Chapter 91) as of yet.

PUBLIC COMMENT: none/closed.

Mr. Gulla entertains a motion for a negative determination.

MOTION: Ms. Jackson moves for a neg. determination (+2B/+5/-3)

SECOND: Mr. Socolow

VOTE: 5-0 all in favor

It was noted that letters from the Harbor Master and Shellfish need to be submitted as part of the pre-start of construction.

**76 HIGH POPPLES ROAD** (Map 73, Lot 23)

This is a Notice of Intent submitted by Paul Cunningham to remove and replace a dwelling, shed, walls, and stairs and to conduct associated landscaping in the bordering vegetated wetland.

Mr. Ben Gary reviews the plan with the GCC noted that area being 6600 sq. ft. He states that wetland was noted by Mr. Manuell. He states that the existing house to be torn down and a new one in place. The concrete retaining wall and steps will return to lawn. On the east side of the property: a low stone wall and a proposed patio off the house. The parking area will be crushed stone. He notes 2 large trees in the front of the property. The Agent states that a site visit was

done re: the delineation and wetland area. The entire backyard is subject to flooding. She would like to go out to the site again with Mr. Manuell. She notes the house, driveway and walls are fine. She has a concern re: a 2ft. high wall. She states this is not based on FEMA but actual records re: ft. and elevation. Mr. Socolow inquired as to fill being brought in for the retaining wall and Mr. Gary stated that 1ft. of fill would be brought in.

Mr. Socolow inquired as to trees in the area with Mr. Gary stating that there is a tree on the corner and the fill would be away from the tree.

Mr. Feener stated that they are not to encroach on the drip line of the tree. He stated that pictures would be helpful and diameter sizes of trees would be helpful re: deadwood.

Mr. Ryder inquired as to the intent of pruning: to remove deadwood or lower the height of the trees?

Mr. Gary stated that he had not discussed this with the owner as of yet.

Mr. Feener noted a photo and states that the shrubs to be moved or removed are not on the plan. Mr. Gary states he will note this on the plan.

The Agent notes 2 to 1 mitigation.

Mr. Socolow asked if the patio was existing and Mr. Gary stated no, it is proposed and would be flagstone and grass.

The Agent gives Mr. Gary a planting list.

Mr. Gulla noted that if the shed goes in it will need to be on blocks.

The Agent would like to do a site visit re: soils, delineation and land subject to flooding.

Mr. Feener inquired as to the patio and the question of impervious. He requested numbers re: impervious surfaces. He stated that Mr. Gary may need to consult an arborist regarding the trees. DEP no. 20-1953.

PUBLIC COMMENT: none/closed.

Mr. Gulla entertains a motion to continue the matter to 08/06/08 8:00 PM.

MOTION: Ms. Jackson moves to continue the matter to the above date and time.

SECOND: Mr. Feener VOTE: 5-0 all in favor.

### **210 MAGNOLIA AVENUE** (Map 207, Lot 13)

This is a Request for Determination submitted by Green Tree Inc. to construct a building on an existing foundation with associated utilities and landscaping in a bordering vegetative wetland area.

Mr. John Judd, Gateway Consulting and Mr. Mark Nestor, Esq. present rep. the applicant.

Mr. Judd states that there was a previous Nol and conditions, which have expired.

He notes this being the same plan and further notes the retaining wall and wetland flags 1-9 done by Ms. Mary Rimmer approximately six years ago. He notes the construction of the boulder wall and foundation. He states that one more year is needed re: the septic, the driveway, etc. He noted the erosion controls on the plan.

The Agent notes, filing an RDA, under the amended plan it would include the verification of the delineation of the extended property that was purchased.

Mr. Judd states that no fill will be brought in to complete the project.

Mr. Nestor states that due to economic issues they were unable to finish the building.

Mr. Gulla entertains a motion for negative determination will all original conditions in place.

MOTION: Ms. Jackson moves for a negative determination (+2A/+5/-3)

SECOND: Mr. Feener                      VOTE: 5-0 all in favor

### **35 ROCKHOLM ROAD** (Map 159, Lot 5)

This is a Notice of Intent submitted by Jonathan Weaver, Zelloe & Weaver Architects, to demolish and re-build a dwelling with associated grading, utilities and landscaping in a buffer to a coastal bank.

Mr. John Judd, Gateway Consulting rep. the applicant is before the GCC stating that this is a proposed re-build.

He notes the health of the homeowner in relation to a handicap access. He further noted the downsizing of the building as well as the coastal bank noted on the plan with all work proposed in the buffer zone. He notes 3492 sq. ft reduced to 2281 sq. ft. with an impervious area to allow for better access for the homeowner.

Erosion controls were noted on the plan.

The Agent states that a site visit has not been done as of yet and there are outstanding violations. There was extensive tree cutting done by a neighbor. No one has been responsible for the violations to date. The policy is not to approve this until the violations are corrected. She notes the coastal bank and states that the secondary coastal bank is a concern. Storm surge needs to be noted on the plan. A site visit is needed with Mr. Judd.

Mr. Socolow inquired as to the stumps on the property with Ms. Ryder stating that the stumps are still there. Mr. Socolow stated that the GCC does not want any pulling out of the stumps.

The updating of the construction sequence and narrative being submitted were noted.

Ms. Jackson noted her concern re: statements for the contractor on the plan.

Mr. Feener states that he can assist re: stump info.

PUBLIC COMMENT: none/closed.

Mr. Gulla entertains a motion to continue the matter to address issues noted above.

MOTION: Ms. Jackson moves to continue the matter to 08/06/08 8:30 PM.

SECOND: Mr. Frontiero                      VOTE: 5-0 all in favor.

### **57 ATLANTIC ROAD** (Map 70, Lot 10)

This is a Request for Determination submitted by Jeff Gould to renovate an existing dwelling and to conduct landscaping activities in a buffer to a coastal bank.

Mr. Jeff Tucker, Landscape Architect reviews the plan with the GCC.



He notes replacing pea stone drive with pavers. Juniper and spruce trees are to be removed and replaced with natural plantings. He notes a 50ft. area in the back which is to be treated as a native landscape.

The Agent notes no expanse of disturbance of soils and an amendment as to the details re:the bulldozer operation.

Mr. Tucker notes the use of a silt fence, hay bales as well as building a berm.

The Agent notes that a mulch sock should be used in place of the hay bales.

It was noted that stone dust can be switched to some other material.

DG = Decomposed Granite 3/8 or 3/16, with a pervious material.

Mr. Socolow inquired as to any trees being removed with Mr. Tucker stating yes, a spruce and notes image no. 2, noting a 20ft. area with plantings 2 to 1, there and throughout the site.

Mr. Feener notes that the trees have been infected with a disease that effects spruce with no cure.

Mr. Gulla states that the intent is to replace within the buffer zone.

Mr. Socolow notes that if the tree is to be cut down, the stump is not to be removed.

Mr. Feener states that they are not to grind or pull the stump.

The construction and landscape plan is to be submitted prior to the pre-start of work.

PUBLIC COMMENT: none/closed.

Mr. Gulla notes the construction sequence and planting plan, the allowance of the tree being cut, no grinding or pulling of the stump, no stone dust (DG or sand only), mulch sock to be used and no hay bales.

He entertains a motion for negative determination (+2A/+5/-3)

MOTION: Ms. Jackson moves for the negative determination

SECOND: Mr. Feener

VOTE: 5-0 all in favor.

Mr. Gulla entertains a motion for a five minute recess.

MOTION: Ms. Jackson    SECOND: Mr. Feener    VOTE: 5-0

Meeting Resumes

### **105 HIGH STREET** (Map 163, Lot 4)

This is a Notice of Intent submitted by Susanna Natti to construct an addition with a foundation and deck in a buffer to an inland bank.

Ms. Ellen Levine, rep. the applicant is before the GCC to review the plan.

She notes this as an existing one story dwelling. She notes this as 72 ft. from the top of the inland bank, noting a quarry. There is a proposed 2<sup>nd</sup> story and substantial renovation. The footprint is noted on the plan. The existing deck is to be demolished and a new deck is to be constructed. The site is already developed.

Proposed erosion control: 50 ft. from the top of the bank for small equipment access on the site.

The Agent notes that Leslie submitted photos and documentation.

The erosion control line can be tightened up and closer to the house.

DEP review pending.

Mr. Gulla states that the matter should be continued pending the DEP response. Mr. Socolow inquires as to the existing deck and proposed deck with Ms. Levine noting: a wooden deck with spaces at one end 2 ½ ft with the porch being off the ground approx. 4 ft.

Mr. Gulla inquired as to the total impervious area.

The Agent notes that the construction sequence seems limited and she would like to see more noted, i.e. controls in place re: disturbances.

Mr. Gulla states that he would like to see that on the plan.

He inquired as to the total area of impervious and was told that it was approx. 200 sq. ft.

He further noted that the need to keep in mind the 2 to 1 ratio.

Mr. Feener stated that the math noted above needs to be on the plan as well.

Mr. Gulla states that it should be noted on the plan what they are going to plant and where it is to be located on the property.

Ms. Levine stated that no trees are to be cut but may trim some branches.

The Agent states that the plan needs to be noted re: trimming the branches.

PUBLIC COMMENT: none/closed.

The Agent states that a letter was submitted to her office in favor of the project, but the right of way is not a right of way. She further noted, Constantine Maletskos and a driveway that does not exist.

Mr. Gulla entertains a motion to continue the matter to 08/06/08 8:30 PM.

MOTION: Mr. Feener moves to continue the matter.

SECOND: Mr. Socolow VOTE: 5-0 all in favor.

## **20 BAYBERRY LANE** (Map 257, Lot 63)

This is a Request for Determination submitted by Michael and Patricia Clayman to construct a second floor addition and enclose the existing deck in a coastal dune area.

Mr. John Judd reviews the plan with the GCC.

He notes the deck enclosure calculations and 200% of mitigation planting (16 ft).

A tarp to be placed under the deck at all times in regards to nails.

The access to the building will only be by the driveway side.

The Agent notes that the erosion control is to be right up front. She further notes that no construction sequence plan re: the deck. The dumpster and stockpiling to be placed in the driveway and no debris is to enter the dune. She notes eliminating the last sentence; first paragraph (cannot be modified).

The entire site is secondary dune. The driveway is the only access as there is no other from the inside of the building.

The Agent states that any changes to the plan will require an Nol.

PUBLIC COMMENT: none/closed.

Mr. Gulla entertains a motion for a negative determination (+2A/+5/-2)

MOTION: Mr. Feener moves for the neg. det. and continuance to 08/06/08 7:05 PM.

SECOND: Ms. Jackson VOTE: 5-0 all in favor.

**41 WHITTEMORE STREET** (Map 21, Lot 7)

This is a Notice of Intent submitted by McNiff Company to construct 10 residential units and a community building with associated grading, utilities, piers, gangways and seasonal floats in a multiple resource area and buffer zone.

Mr. Ken Fields and Mr. John McNiff present before the GCC.

Mr. Fields proceeds to discuss several pages and conditions with the GCC.

The following conditions discussed:

Pg. 2 private water supply

The Agent explains stating that frequently people will have wells that they never shut down.

Mr. Fields notes, pg. 3, paragraph re: surcharging with the Agent stating that they can delete that paragraph. The last paragraph will be deleted from the Statement of Reason.

Pg. 5, no. 6 re: foundation – to insert the word off site.

Pg. 6, no. 12, note says see #21. The Agent notes that no additional plans need to be submitted. No. 13 was noted as well no. 76. The Agent states that no. 13 can be noted as: through the Agent.

Pg. 7, no. 26, re: portable bathroom. The Agent notes: while work is occurring. No. 31, The Agent notes that buffer should say: resource area. No. 35 was noted as an old condition. The Agent states that this will not be upgraded but will be noted as a correction and she will take care of that.

Pg. 8, no. 38, \*\*\*\*\*, no. 41 re: re-flagging resource area. The Agent notes that stakes are needed but they don't need a lot of flags. A visual reminder is needed pre-start of construction and she noted that she feels quite strongly in regards to that. A few stakes for each resource is needed.

Mr. McNiff stated that a possible GPS is to be installed on the machinery.

Pg. 9, no. 45 Mr. Fields states that he is not sure what they are looking for with this.

The Agent states that they want site control and a pre erosion control barrier is needed with a possible trench or berm around the erosion control. Note to be inserted: protective berm.

Pg. 9, no. 49 re: an independent control monitor. The Agent states that the contractor can appoint someone, with authority from the owner re: someone answering to the Wetland Protection Act at the site. It was noted that it should say: clear written authority. No. 55 re: dewatering details with Mr. Fields stating that they did not submit plans for dewatering.

Mr. Gulla inquires as to what determines contamination of water vs. dewatering. No. 55 will be modified to say emergency dewatering will be incidental.

Additional notes from the Agent may modify this further.

Pg. 10, no. 56, the last line to be modified by the Agent re: dewatering. This will reflect no. 55. No. 63 re: stockpiling, line to say vegetative wetland, cutting it down from 100 ft. to 50 ft. The applicant states that he may want to strike the last line re: stockpiling.

Mr. Gulla states in regards to the 50 ft. and long term stockpiling: should be at the away side of the coastal bank. He further notes that all stockpiling during

construction of structures shall occur on the upland side and away from the resource area.

Pg. 10, no. 64 re: vehicles on the property: \*\*\*\*\*

Pg. 11, no. 76 The last sentence can reflect condition no. 13 and will say: through the Agent.

Pg. 12, no. 84 re: planting plan. This is to be stricken.

Mr. Feener states that the species do have to be specified regarding the types of trees.

The applicant notes a submitted plan.

Pg. 13, no. 93 Mr. McNiff inquires as to the bond. The Agent states that the bond is in place in case something should happen re: stabilization (if necessary).

Mr. McNiff notes \$50,000.00 for a starting point. The Agent notes an alternative as:

30% then 30%, then 30%, then 10% with Ms. Jackson stating over a period of 3, 5, 7 and 10 years as a periodic release of the reduction of the bond. This to be determined by the GCC pending DEP.

Pg. 7, no. 31. It was noted that it was changed from buffer zone to resource area. The Agent states that it is a resource area.

The Agent reads a portion of the Statement of Reason.

Mr. Socolow asked if Chapter 91 is involved with the applicant stating that it is and states that a public access walkway is to be installed. He further asked if the construction is to begin prior to Chapter 91 and Harbor Master approval with the applicant stating yes, but not the docks or piers, just everything else.

Mr. Feener notes pg. 14, no. 3 re: DEP notification of threshold over 5 gallons. It should now read as: 5 gallons. Mr. Feener further noted that MSDS sheets should be on site at all times.

Mr. Gulla entertains a motion to approve the amended final set of conditions.

MOTION: Ms. Jackson moves to approve.

SECOND: Mr. Frontiero

Mr. Socolow notes that if they move to approve it is subject to the amended conditions.

VOTE: 5-0 all in favor.

### **16 ROUSE ROAD** (Map 137, Lot 24)

This is a Notice of Intent submitted by David Greenberg to construct an addition with a foundation and detached garage in a buffer to an isolated vegetated wetland.

Mr. William Manuell, David and Catherine Greenberg and Robert Coakley, Esq. present and before the GCC.

Mr. Manuell reviews the plan with the GCC. He notes 2 small pockets of vegetated wetland on the plan. He notes that all the work in the area is almost all in the buffer zone.

The 100 yr. flood is noted in pink on the plan.

Improvements to the home: a small bump out to create a large kitchen, installation of a deck a few steps above grade. A bobcat type machine is to be used. He notes sonotubes to be used on the plan. There is a proposed

detached garage. This proposed structure for 2 cars with a storage area having a frost wall foundation and concrete slab.

The shed will be removed. Re: excavation: materials will be piled inside the area.

In regards to erosion controls: There will be minimal excavation regarding impacting the wetland. There is a DEP file number and the matter is still under review according to the online information. BVW extends past flag no. 100 adjacent to the proposed garage.

He notes significant surface hydrology. He states that they do not want to alter the hydrology and affect other people's property adversely.

The Agent inquires as to mitigation for the trees that are to be cut with Mr. Manuell stating that 3 trees are to be taken down and they would be happy to provide 6 trees for replacement.

Mr. Socolow inquired as to the size of the trees to be replaced, further stating that he would like to see the replacement trees at a 2 inch diameter.

Ms. Jackson states that the bigger the better when it comes to the replacement.

The Agent inquires as to the change in impervious with Mr. Manuell stating approx. 500 sq. ft.

Mr. Gulla states that some sort of planting plan is needed that can combine the mitigation.

Mr. Socolow states that he wants nothing less than 2 inch diameter.

Ms. Jackson notes that it seems to her that the impervious is more like 800 sq. ft.

Mr. Manuell notes a trench that is not noted at present on the plan.

The Agent states that a drainage trench is not considered mitigation.

Catherine Greenberg notes her concern about a Norwegian Pine tree that has blight.

The Agent inquires as to combining the mitigation with Mr. Socolow stating that he will not accept shrubs.

The Agent notes the adding of shrubs but they are not a replacement for the mitigation, just added to it and together with the mitigation.

Mr. Gulla notes 2 inch caliper trees to be noted on the planting plan, behind the garage.

He further notes 6, 2 inch caliper trees as well as shrub cover around the trees.

Mr. Feener notes that a Bobcat with concrete can create trenches.

Mr. Socolow notes that the excavated materials to be stacked inside so that the actual trench will be a temporary sediment basin.

Mr. Feener notes the broken tree in relation to the garage. He notes moving the walkway and saving on the trees.

PUBLIC COMMENT: none/closed.

The Agent notes that no DEP comments have been received as of yet.

Mr. Gulla states he will entertain a motion to continue the matter to 08/06/08 7:05 PM.

MOTION: Ms. Jackson moves to continue the matter to the above date and time.

SECOND: Mr. Frontiero      VOTE: 5-0 all in favor.

### **606 WESTERN AVENUE** (Map 193, Lot 83)

This is a Request for Determination submitted by Robert Moran to install water service and to maintain newly completed site work in a buffer zone to a wetland. Ms. Ryder, Agent for the GCC states that a Letter Permit was submitted re: this project.

The wetland was flagged approx. 2 years ago and a rock wall was created.

The Agent and Mr. Manuell were onsite last summer.

Mr. Manuell states that he is seeking a negative determination to work within the existing driveway. He notes the water line in the existing driveway and the stones in the driveway.

The Agent states that she walked the flagging and it looked good at that time.

Mr. Gulla states that he no major issues as long as the water line work stays in the driveway.

The Agent states that the State Regulations make the determinations not the applicant re: the 100 ft. and up to the buffer zone.

Mr. Manuell notes the \$175.00 fee/after the fact filing and feels that the applicant should get back the fee. The applicant felt he was 100 ft. outside the buffer zone. He does not believe this is an after the fact filing.

The Agent notes a tremendous extension of the driveway and that the applicant chose to ignore the delineation.

Mr. Gulla notes that if a mistake has been made then there could be some consideration in regards to giving back the fee.

Mr. Socolow states that if violations are found, the penalties could far exceed the cost of the after the fact filing.

Mr. Gulla entertains a motion for a negative determination and approval of the Letter Permit for the pole.

MOTION: Mr. Feener moves for a negative determination.

SECOND: Mr. Frontiero

The Agent notes that the delineation was based on a finding from two years ago, with no plan at that time and without field verification they cannot newly delineate this evening.

Mr. Manuell states that the site conditions have not changed. He states that it is important that the line gets verified and wants to get the line verified.

MOTION: Mr. Feener moves to continue the matter to 08/06/08 7:05 PM

SECOND: Mr. Socolow      VOTE: 5-0 all in favor.

MOTION: Mr. Feener moves to approve the Letter Permit for the telephone pole

SECOND: Mr. Socolow      VOTE: 5-0 all in favor.

The Agent notes some tree trimming around the pole.

### **19 STANWOOD POINT**

This matter is in regards to tree cutting, clearing and grading and in fill in RRA

The Agent notes that the clearing and grading was done by the previous owner.

The new owner is in relation to the after the fact filing.

This matter is to be continued to the next agenda.

**Certificate of Compliance:**

**648 ESSEX AVENUE**

The Agent recommends denial until the work is finished.

MOTION: Ms. Jackson moves to deny until the work is finished.

SECOND: Mr. Frontiero      VOTE: 5-0 all in favor.

**30 LANGSFORD STREET**

The Agent states that she has no issues and it was built according to the plan with the pathway maintained. She recommends approval.

MOTION: Ms. Jackson moves to approve.

SECOND: Mr. Frontiero      VOTE: 5-0 all in favor.

**63 GROVE STREET**

The Agent recommends a continuance to allow time for review and the reading of the final report.

MOTION: Mr. Feener moves to continue the matter to 08/06/08 7:05 PM

SECOND: Mr. Socolow      VOTE: 5-0 all in favor.

**716 WASHINGTON STREET**

Mr. Gulla entertains a motion to allow.

MOTION: Ms. Jackson

SECOND: Mr. Frontiero      VOTE: 5-0 all in favor.

Correspondence and other business noted by the Agent.

Mr. Gulla entertains a motion to adjourn this meeting of the GCC.

MOTION: Mr. Feener

SECOND: Ms. Jackson      VOTE: 5-0 all in favor.

Meeting adjourned.